

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,429)

PATENT

RECEIVED

In re Application of:

R.D. Gilmore et al.

Serial No.: 09 004,395

Filed: January 8, 1998

For: RECOMBINANT P37 FLAA AS A
DIAGNOSTIC REAGENT

Examiner: N. Minnifield

Art Unit: 1645

TRANSMITTAL LETTER

Asst. Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
- a) Second Supplemental Information Disclosure Statement;
 - b) U.S. PTO Form 1449 and copies of 7 cited references;
 - c) Return postcard

2. With respect to fees:

Enclosed is a check in the amount of \$240.00

3. GENERAL AUTHORIZATION: Please charge any underpayment or credit any overpayment
our Deposit Account, No. 13-2490.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231 on this 22 day of November 1999.

Date:

Respectfully submitted,

13.

CERTIFICATE OF MAILING

I hereby certify that this paper and every
paper referred to therein as being enclosed
is being deposited with the U.S. Postal Ser-
vice as first class mail, postage prepaid,
in an envelope addressed to: Assistant Commissioner
for Patents, Washington, DC 20231,
on Dec 17, 1998 (Date of Deposit).

Date 1/14/99 Name Gene

PATENT

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| In re Application of: |) | |
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| R.D. Gilmore et al. |) | |
| |) | |
| Serial No.: 09/004,395 |) | Examiner: N. Minnifield |
| |) | |
| Filed: January 8, 1998 |) | Art Unit: 1645 |
| |) | |
| For: RECOMBINANT P37/FLAA AS A |) | |
| DIAGNOSTIC REAGENT |) | |

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In order to comply with discretionary regulations 37 CFR 1.97 and 1.98, attached hereto is
Form PTO-1449, and copies¹ of the documents listed thereon and fee pursuant to §1.17(p). These

¹To the extent that a document is listed and no copy of same is attached, then such document is
not at the present time available to the undersigned or is available in the file of a parent application.
If a listed document is not in the English language and an English translation is readily available,
such translation is also attached; if translation is not attached it is not readily available to the

documents were cited in a search report issued for a related case and contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

1. International Patent No. WO 97/42325, published November 13, 1997
2. German Patent No. DE 41 20 345, published December 24, 1992
3. Agüero-Rosenfeld et al., (1996) *Journal of Clinical Microbiology*, Vol. 34 (1) pp. 1-9
4. Ge, et al., (January 1997) *Journal of Bacteriology*, Vol. 179 (2) pp. 552-556 (cited by Examiner)
5. Ge, et al., (July 1997) *Infection & Immunity*, Vol. 65 (7) pp. 2992-2995 (cited by Examiner)
6. Gilmore, R.D. Jr., (1999) *Journal of Clinical Microbiology*, Vol. 37 (3), pp. 548-552
7. Johnson, et al., (1996) *The Journal of Infectious Diseases*, Vol. 174, pp. 346-353

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56.

insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Dated: _____

11/24/99

Respectfully submitted,



Emily Miao
Registration No. 35,285

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